

*Sub Cpy*

81. The workpiece guide of claim 2, wherein said adjustment mechanism is adapted to adjust an angle of said side wall relative to the work surface.

82. The saw of claim 15, wherein said adjustment mechanism is adapted to adjust an elevation of said infeed extension relative to the work surface.

83. The saw of claim 15, wherein said adjustment mechanism is adapted to adjust an angle of said infeed extension relative to said work surface.

84. The saw of claim 15, wherein said adjustment mechanism is adapted to adjust an angle of said side walls relative to said work surface.--

#### REMARKS

Claims 1-7, 13-23, 40, 47-55, 61 and 65-78 are pending in the Subject Application. In the Office Action, the Examiner has rejected each of claims 1-4, 13-19, 40, 47-51, 61 and 65-69 under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). The Examiner has allowed claims 5-7, 20-23, 52-55 and 70-73 and has stated that the proposed substitute drawings filed with Applicant's September 7, 1999 amendment were approved-in-part. The Office Action is fully addressed below.

#### A. The Remaining Objection to the Drawings

In paragraph 2 of the Office Action, the Examiner has indicated that the proposed substitute sheets of drawings, filed on September 7, 1999, were approved-in-part. Proposed drawings changes to Figures 2, 13, 15 and 16 were approved. The changes to Figure 1, however, were disapproved. Applicants herewith submit a replacement Figure 1 complying with the

Examiner's current requirements. The replacement figure correctly indicates the location of body 62 and outfeed end 65, and adds numeral 40 to indicate the rail system.

It is respectfully submitted that the enclosed amendments to Figure 1 find ample support in the specification as filed. As required, the amendments to the drawings have been submitted to the Drawing Review Branch, captioned "Amendments of Drawings," for their consideration. A copy of this communication to the Drawing Review Branch is submitted herewith as Exhibit A.

B. Claims Rejections - 35 U.S.C. § 102

In paragraphs 3 and 4 of the Office Action, the Examiner has rejected each of claims 1-4, 13 and 14 of the Subject Application under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 4,817,482 issued to Dunaway, et al. ("Dunaway"). Applicants herein amend claim 1 to clearly distinguish the claimed invention from Dunaway by incorporating a particular limitation from allowed claim 5. Amended claim 1 recites that the infeed extension comprises at least one infeed platform and an adjustment mechanism. The device of Dunaway lacks an adjustment mechanism. Thus, the workpiece guide as now recited in independent claim 1, and as claimed in dependent claims 2-3, 13, and 14, is not anticipated by Dunaway, and the rejection should be withdrawn.

C. Claim Rejections - 35 U.S.C. § 103

In paragraph 8 of the Office Action, the Examiner has rejected claims 15-19, 40, 47-51, 61 and 65-69 as being unpatentable over Dunaway in view U.S. Patent No. 4,964,450 issued to Hughes ("Hughes"). Hughes discloses a table saw with two guide rails. Applicants herein amend claim 15 to incorporate certain limitations from allowed claim 20. Specifically, amended claim 15 now recites a workpiece guide comprising an infeed extension including at

least one infeed platform and an adjustment mechanism. Neither Dunaway nor Hughes disclose or suggest providing an adjustment mechanism as claimed. Since the base claim, claim 15, no longer would have been obvious over Dunaway in view of Hughes, claims 16-19, which ultimately depend from claim 15, also are novel and non-obvious relative to the Examiner's combination of Dunaway and Hughes. Thus, claims 15-19 are in condition for allowance.

With regard to the Examiner's rejection of claim 40, Applicants respectfully submit that the Examiner improperly asserts Official Notice as the basis for the rejection. The Examiner states that it is old and well known in the art to provide a debris collection system on a table saw. Applicants, however, do not recite merely a debris collection system in claim 40. Instead, claim 40 recites a debris collection system: attached to the support structure of the saw; positioned beneath the saw housing; and comprised of an inclined surface having a lower edge and at least one side edge. Assuming, for the sake of argument only, that the Examiner properly concludes that table saw debris collection systems generally are within the prior art, this alone does not result in a *prima facie* case of obviousness.

The Manual of Patent Examining Procedure ("MPEP") sets out three requirements that an Examiner must meet to establish a *prima facie* case of obviousness. "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references, when combined) must teach or suggest *all the claim limitations.*" MPEP § 2143 (emphasis added). Even assuming that the "facts" of which

the Examiner takes Official Notice are true, the references and teachings relied upon by the Examiner must teach or suggest all of the claim limitations, which has not been satisfied here.

Accordingly, Applicants hereby traverse the Examiner's assertion of Official Notice with respect to claim 40 and respectfully submit that the Examiner has not presented evidence to establish the existence of prior art references or teachings that disclose or suggest all of the limitations of claim 40. Applicants respectfully submit that claim 40 is not obvious in view of Dunaway and the substance of the Official Notice currently asserted by the Examiner. Therefore, claim 40 and dependent claims 47-51 should be allowed.

Also in paragraph 6 of the Office Action, the Examiner takes Official Notice that it is old and well known in the art to provide guide rails in many shapes or cross-sections. Again, claim 61 does not recite merely a guide rail system. Instead, claim 61 recites a guide rail system comprising an infeed rail having a U-shaped cross-section and that is disposed adjacent to an infeed edge of the work surface. Claim 61 also recites an outfeed rail having an L-shaped cross-section and that is disposed adjacent to an outfeed edge of the work surface. Advantages of such a system may be understood from the description of the invention in the Subject Application. To establish a *prima facie* case of obviousness, the references must teach or suggest all of the limitations of the claimed invention. Combining any of the references of record along with the prior art recognized by the Examiner under Official Notice does not result in an invention as recited in claim 61. Accordingly, Applicants hereby traverse the Examiner's assertion of Official Notice with respect to claim 61 and respectfully submit that the Examiner has not presented evidence to establish the existence of prior art references or teachings that disclose or suggest all of the limitations of claim 61. Therefore, independent claim 61 and its dependent claims 65-69 should be allowed.

An examiner may take official notice of facts outside the record that are capable of instant and unquestionable demonstration as being well-known in the art. MPEP § 2144.03. However, “[t]he facts so noticed serve to ‘fill the gaps’ which might exist in the evidentiary showing and should not comprise the principle evidence upon which a rejection is based.” *Id.* (quoting *In re Ahlert*, 424 F.2d 1088, 165 U.S.P.Q. 418, 420-421 (CCPA 1970)). In the Subject Application, the Examiner attempts to take Official notice of ‘principle evidence’ upon which the rejection is based. Additionally, in the Office Action the Examiner is improperly rejecting claims 40 and 61 on the sole basis that certain prior art patents can be modified. This is not a proper basis for establishing an obviousness rejection. Instead, because the prior art of record does not teach or suggest the invention as claimed in the Subject Application, Applicants respectfully request that the Examiner allow claims 40, 47-51, 61 and 65-69.

D. New Claims

Applicants herein present new claims 79-84. Each of those claims finds ample support in the specification as filed. It is respectfully submitted that each such claim is patentable over the prior art of record.

E. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the each of the pending claims of the Subject Application, as amended herein, is in condition for allowance, and such action is respectfully requested. Accordingly, reconsideration of the objections and rejections and passage of each of the rejected claims of the Subject Application are earnestly solicited. Should any point remain at issue which the Examiner feels could best be

resolved by either a personal or a telephone interview, the Examiner is urged to contact the undersigned at the number listed below. In addition, should the Examiner deem that there remain grounds outstanding for objecting to the Subject Application, Applicants respectfully request that any subsequent action not be made final.

Respectfully submitted,



Mark R. Leslie  
Mark R. Leslie  
Registration No. 36,360

Kirkpatrick & Lockhart LLP  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222-2312

Phone: (412) 355-6271  
Fax: (412) 355-6501

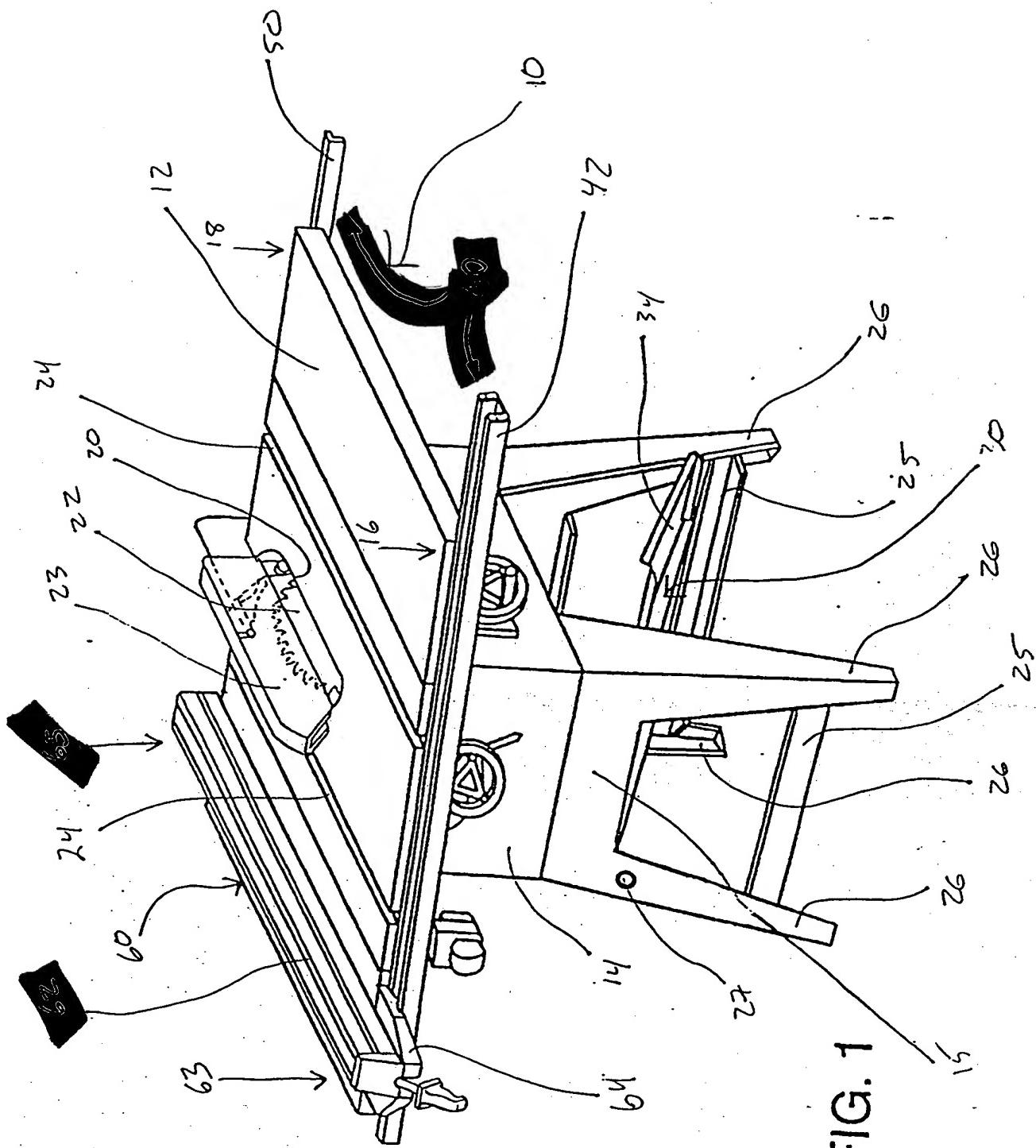


FIG. 1

Approved  
CJ